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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,655	08/13/2001	Carl Wing Yan Lai	ETEL-0002	9505
32662	7590	05/05/2005	EXAMINER	
FELIX L. FISCHER, ATTORNEY AT LAW 1607 MISSION DRIVE SUITE 204 SOLVANG, CA 93463			GEORGE, KEITH M	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/929,655

Applicant(s)

LAI ET AL.

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-22 is/are allowed.
- 6) ☒ Claim(s) 1 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 9-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/13/01 8/12/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Turnbull et al., U.S. Patent 5,787,115, hereinafter Turnbull.

3. Referring to claim 1, Turnbull teaches in figure 6 a block diagram of a universal asynchronous receiver transmitter (UART) used in a telephone station. The UART comprises a command status register (status store) (figure 6, 104) and a receive voice buffer (source buffer) (figure 6, 99). A synchronization circuit (figure 6, 96) keeps track of incoming packets; voice packet are always routed from the receiver to a receive voice buffer and therefrom to the DSP. The circuit 96 also uses the clock 100 to determine when to issue transmit enable pulses to a transmitter 101. When one of the voice channels is enabled, the transmitter 101 will packetize the bytes of data which have accumulated in a transmit voice buffer (destination buffer) (figure 6, 102) and a transmit data register. Transmission of the voice packets occurs only when the circuit 96 issues the transmit enable pulse defining the correct voice time slot (processing system that accesses the status store and generates address for the source buffer to access voice data and generates addresses for the destination buffer for writing voice data) (column 9, lines 9-21).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull.

Turnbull teaches the system described in reference to claim 1 above with the possible exception of a status store comprising a dual port memory or including a first-in-first-out buffer. However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the Transmit and Receive Voice Buffers (figure 6, 102 and 99) can be configured using any reasonable buffer design. One of ordinary skill in the art would have been motivated to choose a design for the buffer including a dual port memory and a FIFO buffer because Turnbull did not discuss the invention to this level of detail and in order to construct the invention a decision of a type of buffer would have to have been made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull in view of Gladden et al., U.S. Patent 6,738,916, hereinafter Gladden. Turnbull teaches the system described in reference to claim 1 above with the possible exception of a buffer coupled to the asynchronous and synchronous data network. However, Turnbull did provide details including that digitized voice is transferred synchronously between the DSP and UART at 64 Kbps, while the UART transmits and receives data asynchronously at 640 Kbps to and from other stations in the system (column 9, line 26 - column 10, line 2). Gladden teaches that one or more jitter buffers are used to temporarily store the asynchronous signals received from a communication

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link until they are ready to be loaded onto the synchronous portion of the communications link (column 5, lines 42-46). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the buffers described by Gladden in the asynchronous/synchronous data network of Turnbull to help alleviate the cell delay variation problem and to partially account for non-uniform speeds (Gladden, column 5, lines 39-40).

#### ***Allowable Subject Matter***

7. Claims 16-22 are allowed.
8. Claims 2-5 and 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 571-272-3099. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George  
25 April 2005



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 200

4/28/05